



PATENT  
Serial No: 09/894,904  
Docket No: 12835-100141

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Eric M. Monroe, *et al*

Serial No: 09/894,904

Filed: June 29, 2001

For: SYSTEM, METHOD, AND ARTICLE OF  
MANUFACTURE FOR MAINTAINING AND  
ACCESSING A WHOIS DATABASE

Examiner: Te Y. Chen

Art Unit: 2161

**APPEAL BRIEF UNDER 37 CFR 41.37**

Mail Stop **Appeal Brief- Patents**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**ATTENTION: Board of Patent Appeals and Interferences**

Sir:

Appellants submit this Appeal Brief in the above-referenced application. A Notice of Appeal was filed on August 15, 2006, and an extension of time is authorized to be charged to deposit account 11-0600.

**REAL PARTY IN INTEREST**

VeriSign, Inc. is the real party in interest for all issues related to this application by virtue of assignments filed with the USPTO and recorded at reel 012271, frame 0998.

**RELATED APPEALS OR INTERFERENCES**

There are no other appeals, interferences, or judicial proceedings known to Appellants, Appellants' legal representative, or assignee which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

### **STATUS OF CLAIMS**

This application contains claims 1-50. Claims 1-20 have been canceled. Claims 21-50 stand finally rejected as anticipated over prior art.

### **STATUS OF AMENDMENTS**

None of the claims are amended after the May 1, 2006 final rejection.

### **SUMMARY OF CLAIMED SUBJECT MATTER**

Independent claim 21 recites a method for maintaining a whois database (312, [040], Fig. 3), comprising: extracting a plurality of unique identifiers from an audit file (step 504, [048], Fig. 5), each unique identifier corresponding to a modified or deleted domain name record within a registrar database [035]; and for each unique identifier: determining whether a first domain name record that corresponds to the unique identifier exists within the registrar database (step 508, [050], Fig. 5), if the first domain name record exists, retrieving the first domain name record from the registrar database (step 512, [051], fig. 5), determining whether a second domain name record that corresponds to the unique identifier exists within the whois database (step 514, [051], Fig. 5), if the second domain name record exists, retrieving the second domain name record from the whois database (step 518, [052], Fig. 5), comparing the first domain name record to the second domain name record (step 520, [052], Fig. 5), and updating the second domain name record, within the whois database, based on the first domain name record (step 522, [052], Fig. 5).

Independent claim 31 recites a computer-readable medium (306, [038], Fig. 3) including instructions adapted to be executed by a processor to perform a method for maintaining a whois database (312, [040], Fig. 3), the method comprising: extracting a plurality of unique identifiers from an audit file (step 504, [048], Fig. 5), each unique identifier corresponding to a modified or deleted domain name record within a registrar database [035]; and for each unique identifier: determining whether a first domain name record that corresponds to the unique identifier exists within the registrar database (step 508, [050], Fig. 5), if the first domain name record exists, retrieving the first domain name record from the registrar database (step 512, [051], fig. 5), determining whether a second domain name record that corresponds to the unique identifier

exists within the whois database (step 514, [051], Fig. 5), if the second domain name record exists, retrieving the second domain name record from the whois database (step 518, [052], Fig. 5), comparing the first domain name record to the second domain name record (step 520, [052], Fig. 5), and updating the second domain name record, within the whois database, based on the first domain name record (step 522, [052], Fig. 5).

Independent claim 41 recites a system, comprising: a network (network 114, [025], Fig. 1); a registrar computer (104, [025], Figs. 1 and 2) coupled to the network, including a registrar database (212, [034], Fig. 2) having a plurality of domain name records [034] and an audit file (214, [035], Fig. 2) having a plurality of unique identifiers [034], each unique identifier corresponding to a modified or deleted domain name record within the registrar database [035]; and a whois computer (106, [025], Figs. 1 and 3) coupled to the network, including a processor (302, [038], Fig. 3) and a memory (306, [038]-[039], Fig. 3) coupled to the processor, the memory including a whois database (314, [039], Fig. 3) having a plurality of domain name records [040] and instructions adapted to be executed by the processor to perform a method (312, [040], Fig. 3), the method comprising: extracting the plurality of unique identifiers from the audit file (step 504, [048], Fig. 5); and for each unique identifier: determining whether a first domain name record that corresponds to the unique identifier exists within the registrar database (step 508, [050], Fig. 5), if the first domain name record exists, retrieving the first domain name record from the registrar database (step 512, [051], Fig. 5), determining whether a second domain name record that corresponds to the unique identifier exists within the whois database (step 514, [051], Fig. 5), if the second domain name record exists, retrieving the second domain name record from the whois database (step 518, [052], Fig. 5), comparing the first domain name record to the second domain name record (step 520, [052], Fig. 5), and updating the second domain name record, within the whois database, based on the first domain name record (step 522, [052], Fig. 5).

#### **GROUND OF REJECTION TO BE REVIEWED**

The Final Rejection rejects claims 21-50 under 35 USC §102(e) over Schneider (US Pat. 6,760,746).

## **ARGUMENT**

The Final Rejection fails to demonstrate that any of the pending claims are anticipated. Details of these arguments are presented below.

### **The Claims are Not Anticipated**

Independent claims 21, 31 and 41 of the application recite a method, computer readable medium, or system for maintaining a whois database, and include extracting a plurality of unique identifiers each corresponding to a modified or deleted domain name record within a registrar database, determining whether a first domain name record that corresponds to the unique identifier exists within the registrar database, determining whether a second domain name record that corresponds to the unique identifier exists within the whois database, comparing the first domain name record to the second domain name record, and updating the second domain name record, within the whois database, based on the first domain name record. Thus, the claims require extracting a plurality of unique identifiers each corresponding to a modified or deleted domain name record, and then determining whether first and second respective domain name records exist within two databases, a registrar database and a whois database. The first and second domain name records are compared, and the second domain name record within the whois database is updated based on the first domain name record.

It is first noted that Schneider is not directed to updating modified or deleted domain name records in a whois database by comparing a first domain name record in a registrar database with a second domain name record in a whois database, as required by the claims. As shown in Figs. 1-3 of the application, the claimed invention utilizes a registrar computer 104, having a registrar database 212, and a whois computer 106, having a whois database 310, and compares a domain name record from the registrar database to a domain name record from the whois database. The domain name record within the whois database is then updated based on the domain name record in the registrar database. Schneider does not include a whois database and a registrar database, much less use domain name records from a registrar database to update a whois database.

Schneider is not directed to updating modified or deleted domain name records within a whois database based on domain name records from a registrar database as required by the claims. Instead, Schneider is directed to name generation, registration and resolvability.

Schneider does not disclose extracting a plurality of unique identifiers each corresponding to a modified or deleted domain name record within a registrar database. The Final Rejection refers to steps 610-630, Fig. 6a, and the autosearch processing of Fig. 7 as supposedly showing this feature. Steps 610-630 describe receiving search and registration identifiers, with a search request, determining whether the search request includes any domain names, generating domain names and their status, and retrieving the search result. See col. 28, lines 5-20. There is no disclosure of the claimed identifiers corresponding to a "modified or deleted domain name record within a registrar database." That is because while the claimed invention updates the whois database based on modified or deleted domain name records, and thus extracts the unique identifiers corresponding thereto, Schneider has nothing to do with updating a whois database based on "modified or deleted domain name records from a registrar database." Instead, Schneider is generating, registering or resolving domain names. Fig. 7 of Schneider does not resolve these deficiencies.

Further, Schneider does not disclose comparing the first domain name record to the second domain name record as required by the claims. The Office Action refers to col. 13, lines 21-63 as allegedly showing this feature. However, the word "compare" does not appear in these lines, and Appellant is unaware of any comparison of first and second domain name records, one from a registrar database and one from a whois database, as required by the claims. The Final Rejection refers to propagation of identifiers through a series of distributed caches. Despite the Examiner's assertions to the contrary, propagating data through distributed whois caches has nothing to do with comparing a domain name record from a registrar database with a domain name record from a whois database.

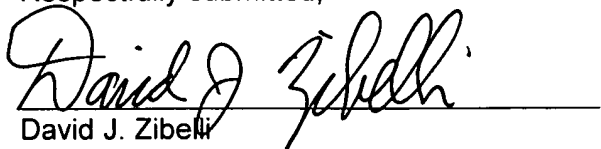
Accordingly, Schneider does not anticipate any of the claims of the application.  
Withdrawal of the rejection is requested.

For at least these reasons, it is submitted that claims 1-9, 18-38, 47-68 and 77-93, and all claims dependent therefrom, are not anticipated by Bauer. Reversal of the rejection is requested.

**CONCLUSION**

Appellant respectfully requests reversal of the rejections of claims 21-50. These claims are allowable over the cited art.

Respectfully submitted,

  
David J. Zibelli  
Registration No. 36,394

Date: January 16, 2007

KENYON & KENYON LLP  
1500 K Street, N.W.  
Washington, D.C. 20005  
Tel: (202) 220-4200  
Fax: (202) 220-4201

**CLAIMS APPENDIX**

1–20. (Canceled).

21. A method for maintaining a whois database, comprising:

extracting a plurality of unique identifiers from an audit file, each unique identifier corresponding to a modified or deleted domain name record within a registrar database; and

for each unique identifier:

determining whether a first domain name record that corresponds to the unique identifier exists within the registrar database,

if the first domain name record exists, retrieving the first domain name record from the registrar database,

determining whether a second domain name record that corresponds to the unique identifier exists within the whois database,

if the second domain name record exists, retrieving the second domain name record from the whois database,

comparing the first domain name record to the second domain name record, and

updating the second domain name record, within the whois database, based on the first domain name record.

22. The method of claim 21, further comprising:

if the first domain name record does not exist, deleting the second domain name record from the whois database.

23. The method of claim 21, further comprising:

if the second domain name record does not exist, adding the first domain name record to the whois database.

24. The method of claim 21, further comprising:

discarding duplicate unique identifiers from the plurality of unique identifiers.

25. The method of claim 21, wherein the modified or deleted domain name record consists of an added domain name record, a deleted domain name record and a changed domain name record.

26. The method of claim 25, wherein the audit file includes an indicator associated with each unique identifier, the indicator consisting of an added indicator, a deleted indicator and changed indicator.

27. The method of claim 21, wherein the audit file includes modified domain name information associated with each unique identifier.

28. The method of claim 21, wherein the plurality of unique identifiers is associated with a time period.

29. The method of claim 21, further comprising:

tagging the audit file to identify previously extracted unique identifiers.

30. The method of claim 21, wherein the whois database is a copy of the registrar database.

31. A computer-readable medium including instructions adapted to be executed by a processor to perform a method for maintaining a whois database, the method comprising:

extracting a plurality of unique identifiers from an audit file, each unique identifier corresponding to a modified or deleted domain name record within a registrar database; and

for each unique identifier:

determining whether a first domain name record that corresponds to the unique identifier exists within the registrar database,

if the first domain name record exists, retrieving the first domain name record from the registrar database,

determining whether a second domain name record that corresponds to the unique identifier exists within the whois database,

if the second domain name record exists, retrieving the second domain name record from the whois database,

comparing the first domain name record to the second domain name record, and

updating the second domain name record, within the whois database, based on the first domain name record.

32. The computer-readable medium of claim 31, wherein the method further comprises:

if the first domain name record does not exist, deleting the second domain name record from the whois database.

33. The computer-readable medium of claim 31, wherein the method further comprises:

if the second domain name record does not exist, adding the first domain name record to the whois database.

34. The computer-readable medium of claim 31, wherein the method further comprises:

discarding duplicate unique identifiers from the plurality of unique identifiers.

35. The computer-readable medium of claim 31, wherein the modified or deleted domain name record consists of an added domain name record, a deleted domain name record and a changed domain name record.

36. The computer-readable medium of claim 35, wherein the audit file includes an indicator associated with each unique identifier, the indicator consisting of an added indicator, a deleted indicator and changed indicator.

37. The computer-readable medium of claim 31, wherein the audit file includes modified domain name information associated with each unique identifier.

38. The computer-readable medium of claim 31, wherein the plurality of unique identifiers is associated with a time period.

39. The computer-readable medium of claim 31, wherein the method further comprises:

tagging the audit file to identify previously extracted unique identifiers.

40. The computer-readable medium of claim 31, wherein the whois database is a copy of the registrar database.

41. A system, comprising:

a network;

a registrar computer, coupled to the network, including a registrar database having a plurality of domain name records and an audit file having a plurality of unique identifiers, each unique identifier corresponding to a modified or deleted domain name record within the registrar database; and

a whois computer, coupled to the network, including a processor and a memory coupled to the processor, the memory including a whois database having a plurality of domain name records and instructions adapted to be executed by the processor to perform a method, the method comprising:

extracting the plurality of unique identifiers from the audit file; and

for each unique identifier:

determining whether a first domain name record that corresponds to the unique identifier exists within the registrar database,

if the first domain name record exists, retrieving the first domain name record from the registrar database,

determining whether a second domain name record that corresponds to the unique identifier exists within the whois database,

if the second domain name record exists, retrieving the second domain name record from the whois database,

comparing the first domain name record to the second domain name record, and

updating the second domain name record, within the whois database, based on the first domain name record.

42. The system of claim 41, wherein the method further comprises:

if the first domain name record does not exist, deleting the second domain name record from the whois database.

43. The system of claim 41, wherein the method further comprises:

if the second domain name record does not exist, adding the first domain name record to the whois database.

44. The system of claim 41, wherein the method further comprises:

discarding duplicate unique identifiers from the plurality of unique identifiers.

45. The system of claim 41, wherein the modified or deleted\_domain name record consists of an added domain name record, a deleted domain name record and a changed domain name record.

46. The system of claim 45, wherein the audit file includes an indicator associated with each unique identifier, the indicator consisting of an added indicator, a deleted indicator and changed indicator.

47. The system of claim 41, wherein the method further comprises, wherein the audit file includes modified domain name information associated with each unique identifier.

48. The system of claim 41, wherein the method further comprises, wherein the plurality of unique identifiers is associated with a time period.

49. The system of claim 41, wherein the method further comprises:

tagging the audit file to identify previously extracted unique identifiers.

50. The system of claim 41, wherein the whois database is a copy of the registrar database.

**EVIDENCE APPENDIX**

No evidence under 37 CFR 1.130, 1.131 or 1.132 was submitted in this application.

**RELATED APPEALS APPENDIX**

There are no other appeals, interferences, or judicial proceedings known to Appellants, appellants' legal representative, or assignee which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.